

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JOAN FAULK OWENS and  
KAREN LYNN HUBBARD,**

**Plaintiffs,**

**V.**

**2:07-cv-650**

STATE OF ALABAMA DEPT. OF  
MENTAL HEALTH AND MENTAL  
RETARDATION, *et al.*,

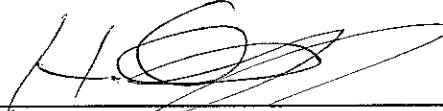
**Defendants.**

## **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

COME NOW the Defendants, the State of Alabama Department of Mental Health and Mental Retardation (hereinafter "ADMH"), John Houston, Henry Ervin, Otha Dillihay, and Marilyn Benson, by and through undersigned counsel, and file this Motion for Summary Judgment, and as grounds therefor, these Defendants aver as follows:

There are no genuine issues of material fact in this case relative to any of the pleaded theories of action and these Defendants are entitled to Summary Judgment as a matter of law. In support of this Motion for Summary Judgment, these Defendants submit herewith the Defendants' Brief in Support of Motion for Summary Judgment with Exhibits.

WHEREFORE, the premises considered, these Defendants request that the Court issue Summary Judgment in their favor.



H.E. NIX, JR. (NIX007)  
Counsel for Defendants

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that an exact copy of the foregoing instrument has been served (a) through the Court's e-filing system; (b) by placing a copy of same in the United States Mail, postage prepaid and properly addressed; and/or (c) by e-mail to

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| J. Flynn Mozingo<br><i>Melton, Espy &amp; Williams, P.C.</i><br>P. O. Drawer 5130<br>Montgomery, AL 36103-5130 | Courtney W. Tarver<br>Deputy Atty. General and Gen. Counsel<br>Bureau of Legal Services<br>Dept. of Mental Health and Mental Retardation<br>RSA Union Building<br>100 N. Union Street<br>Montgomery, AL 36130-1410 |
|--|--|

on this the 27th day of June, 2008



OF COUNSEL